

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

ABRAHAM A. AUGUSTIN,)	
)	
Petitioner,)	
)	Nos. 1:09-CR-187-TRM-SKL-1
v.)	1:15-CV-137-TRM
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

This case is before the Court upon a pro se motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (“2255 Motion”) filed by Abraham A. Augustin (“Petitioner”) on September 15, 2015 [Doc. 141].¹ Petitioner has filed a number of extensive motions and documents in connection with his 2255 Motion plus various motions for the return of seized property. This Order relates to the 2255 Motion.

On November 17, 2015, Petitioner filed a motion seeking to amend his 2255 Motion to add an additional claim [Doc. 155]. On December 7, 2015, the United States of America (the “government”) filed a response in opposition to Petitioner’s original 2255 Motion [Doc. 156]. Petitioner then filed what he characterized as a supplement [Doc. 159] on December 18, 2015 and filed an amended supplement [Doc. 160] on December 21, 2015. On January 13, 2016, the Court granted Petitioner’s motion to amend, “subject to a latter determination that the sub-claim offered therein is untimely under § 2255(f).” [Doc. 166].

On February 3, 2016, Petitioner filed a reply to the government’s response in opposition to his 2255 Motion [Doc. 168]. Two additional filings related to the 2255 Motion, “Petitioner’s

¹ All citations to the record refer to Petitioner’s criminal file.

Motion for Supplemental Authority Pursuant to 28(J)” [Doc. 167] and his “Leave to Supplement 2255 for Good Cause” [Doc. 170], were previously addressed by the Court [Doc. 175].

On April 18, 2018, the Court ordered the government to file its response to Petitioner’s motion to amend [Doc. 196], which it did on May 18, 2018 [Doc. 202]. In between, on May 7, 2018, Petitioner filed a motion to hold his case in abeyance pending a BOP transfer so he could have access to legal materials to file a reply [Doc. 200]. On June 22, 2018, the Court entered an Order refusing to stay the case indefinitely, but granting Petitioner an additional 14 days to file his reply [Doc 203].

On July 2, 2018, Petitioner filed yet another motion stating, among other things, that he had not yet received a copy of the government’s response and requesting an extension of time until September 15, 2018 to reply to the government’s response [Doc. 204]. The Clerk sent the government’s response to Petitioner and his motion for an extension to file a reply was granted in part as he was allowed until September 1, 2018 to file a reply [Doc. 206].

On July 12, 2018, Petitioner filed his reply to the government’s response [Doc. 207]. On July 16, 2018, Petitioner sent another copy of his reply and a letter to the Clerk asking the Court to “disregard and quash my last filed motion in this Court, filed after the June 22, 2018 Order, seeking reconsideration of the Order and an extension of time to file a reply. Please file the enclosed reply.” [Doc. 208-2]. This request appears to be directed to the previously ruled upon motion filed by Petitioner seeking an extension of time until September 15, 2018 to file a reply to the government’s response [Doc. 204].

Petitioner’s reply [Doc. 207] (and what appears to be a copy of that same reply [Doc. 208]), has been filed and will be considered in connection with the 2255 Motion to the extent appropriate. To make clear, the Court considers the 2255 Motion to be ripe and it has not authorized any further

filings related to Petitioner's 2255 Motion.

On May 4 and 7, 2018, Petitioner also filed motions to clarify [Docs. 199, 201]. In these motions, Petitioner explains that certain of his extensive filings [Docs. 174, 191] relate to his 2255 Motion, not his motions about the return of seized property. Therefore, Petitioner's motions to clarify [Docs. 199, 201] are **GRANTED** to the extent that the noted filings may be considered as appropriate in connection with Petitioner's 2255 Motion.

SO ORDERED.

ENTER:

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE